

# memorandum

DATE: August 31, 1998

REPLY TO  
ATTN OF: Office of Environmental Policy and Assistance:Koss:202-586-7964

SUBJECT: Clean Air Act Information: Proposed EPA Implementation Guidance for Revised Ozone and Particulate Matter Ambient Standards

TO: Distribution

In the August 24, 1998, *Federal Register* (63 FR 45060), the Environmental Protection Agency (EPA) published an availability notice of proposed planning guidance for States to use in meeting EPA's revised ambient air quality standards for ground-level ozone, and particulate matter (PM). The proposed guidance mainly addresses ozone and PM nonattainment issues. The purpose of this memorandum is to bring the proposed guidance to your attention because: (1) among national environmental issues, high priority has been assigned to remedying persistent ozone and other criteria pollutant nonattainment incidence; (2) about half of the Department's facilities are located in current ozone nonattainment areas and about 10% are in PM nonattainment areas<sup>(1)</sup>; and (3) it is anticipated that some air pollution sources at Department of Energy (DOE) facilities will ultimately be subject to new clean air regulatory requirements to be developed in accordance with the guidance.

Sources in nonattainment areas are subject to a broad and complex array of clean air regulatory requirements, including additional emission restrictions on industrial sources and potentially on environmental remediation/restoration projects, more stringent standards on emissions from motor vehicles, and use of alternative clean fuels. Many of these requirements are added through revised State Implementation Plans, while others result directly from the Clean Air Act (CAA) and EPA regulations. In addition to these requirements, Federal facilities in nonattainment areas are subject to other CAA rules only applicable to Federal agencies, which include the General Conformity Rule implementing §176(c) of the CAA<sup>(2)</sup>, and §118(c) and (d) of the CAA dealing with Federal compliance with State motor vehicle inspection and maintenance (I/M) programs<sup>(3)</sup>.

Some key points of interest to DOE operations in the proposed guidance are as follows:

- ▶ EPA is planning to create 3 classifications of nonattainment areas for the new 8-hour ozone ambient standard - "transitional", "traditional", and "international" - in contrast to the 5 classifications ("marginal"→"extreme") used in connection with the previous 1-hour standard. By July 2000, all areas of the country that do not meet the ozone standard will be designated and classified into 1 of these 3

<sup>(1)</sup>The number of nonattainment areas (and hence these percentages) is expected to increase because the new ambient standards are more stringent than the older ambient standards.

<sup>(2)</sup>The Office of Environment, Safety and Health is currently preparing guidance for the Department to implement the General Conformity Rule in the context of the National Environmental Policy Act (NEPA) process.

<sup>(3)</sup>Because of Department of Justice concerns expressed to EPA that some States may be imposing discriminatory I/M requirements on Federal fleet and Federal employee vehicles, it appears that EPA will ultimately implement a Federal program to assure that State I/M requirements are met. The Office of Environmental Policy and Assistance (EH-41) will keep the DOE complex abreast of this issue.

- categories.
- ▶ The guidance proposes a series of attainment dates for ozone nonattainment areas, ranging from December 31, 2003, up to December 31, 2010 for areas in violation of both the new and old ozone ambient standards.
  - ▶ EPA will use the same 2-category classification scheme for the revised, coarse PM ambient standard (*i.e.*, PM<sub>10</sub>) as was used for the previous PM<sub>10</sub> standard.
  - ▶ For "moderate" PM<sub>10</sub> nonattainment areas, the guidance proposes a deadline for attaining the standard of no later than December 31, 2006; for "serious" PM<sub>10</sub> nonattainment areas, the guidance proposes an attainment deadline of December 31, 2010.
  - ▶ With respect to the new fine particulate ambient standard (*i.e.*, PM<sub>2.5</sub>), EPA does not specify a classification scheme due to the lack of sufficient monitoring data. The proposed guidance indicates that if the PM<sub>2.5</sub> air quality problem is generally found to be regional in nature, EPA may establish a classification scheme similar to that being established for ozone.

EH-41 is not soliciting comments from program and field offices on the proposed guidance. Instead, EH-41 will solicit comments on future, relevant, proposed rulemakings implementing the guidance. EH-41 recommends that environmental managers and staff at DOE facilities in current and possible future nonattainment areas stay informed about implementation issues associated with the revised ambient standards and their implications to Departmental operations. An EPA Web Site entitled, "Major Action Items to Reinvent Ozone and PM NAAQS and Regional Haze Implementation" provides information on associated rulemakings, implementation guidance for the ambient standards and the regional haze program, other policy guidance, and technical guidance:

<http://ttnwww.rtpnc.epa.gov/implement/actions.htm>

A 7-page fact sheet providing overview on the proposed guidance, and a copy of the proposed guidance itself, can be found at the aforementioned Web Site, under the heading,

"4. Implementation Guidance for the Revised Ozone/PM NAAQS and the Regional Haze Program". Questions on this material should be directed to Ted Koss of my staff (202-586-7964; e-mail: [theodore.koss@eh.doe.gov](mailto:theodore.koss@eh.doe.gov)).

(original signed by Andrew Wallo)

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